

JEFFER, MANGELS, BUTLER & MARMARO LLP
ROBERT C. GEBHARDT (Bar No. 48965), rcg@jmbm.com
MICHAEL A. GOLD (Bar No. 90667), mag@jmbm.com
MATTHEW S. KENEFICK (Bar No. 227298), msk@jmbm.com
Two Embarcadero Center, Fifth Floor
San Francisco, California 94111-3824
Telephone: (415) 398-8080
Facsimile: (415) 398-5584

Attorneys for Plaintiffs FAMILYMEDS, INC., a Connecticut corporation and FAMILYMEDS GROUP, INC. a Nevada corporation, f/k/a DRUGMAX, INC., a Nevada corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAMILYMEDS, INC., a Connecticut corporation; and FAMILYMEDS GROUP, INC. a Nevada corporation, f/k/a DRUGMAX, INC., a Nevada corporation,

Plaintiffs.

V.

MCKESSON CORPORATION, a Delaware corporation; and D&K HEALTHCARE RESOURCES LLC, a Delaware limited liability company, f/k/a D&K HEALTHCARE RESOURCES, INC., a Delaware corporation,

Defendants.

RELATED CASE NO. CV082850 BZ
CASE NO. CV075715 WDB

**(Proposed) ORDER GRANTING
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED
[Local Rule 3-12(b)]**

Accompanying Papers: Motion; Request for Judicial Notice; and Kenefick Declaration

Complaint filed: June 6, 2008
Trial date: none set

This Court, having considered the Administrative Motion to Consider Whether Cases Should be Related of Plaintiffs Familymeds, Inc., a Connecticut corporation, and Familymeds Group, Inc. a Nevada corporation, f/k/a Drugmax, Inc., a Nevada corporation (collectively, "**Plaintiffs**") (the "**Motion**"), as well as the pleadings and papers on file herein, hereby grants Plaintiffs' Motion.

IT IS THEREFORE ORDERED as follows: the matter of *Familymeds Inc. etc., et al. v. McKesson Corporation etc., et al.*, Northern District of California Case Number CV082850 BZ.

1 filed on June 6, 2008 is deemed related to the matter of *McKesson Corporation v. Familiy whole Group etc.*, Northern District of California Case Number CV075715 WDB, filed on November 9, 2007 (the "First Action"), and is re-assigned to Honorable Wayne D. Brazil, the Court before which the earlier filed and numbered First Action is pending.

5 IT IS SO ORDERED.

6

7 DATED: _____

8 THE HONORABLE WAYNE D. BRAZIL of the
9 United States District Court

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

JMBM | Jeffer Mangels
Butler & Marmaro LLP

PRINTED ON
RECYCLED PAPER

736805v1

- 1 -

CASE NO. CV082850 BZ
(Proposed) ORDER